



(b) (3) (B)

IN REPLY REFER TO:  
5830  
CDR

SEP 03 2019

SECOND ENDORSEMENT on (b) (3) (B) ltr 5800 S-1 of 15 Jun 19

From: Commander  
To: File

Subj: PRELIMINARY INQUIRY INTO DRUNKEN AND DISORDERLY CONDUCT IN THE CASE OF  
GUNNERY SERGEANT ROBERT T. VANHOOK (b) (3) (B)

Ref: (b) SECNAV M-5210.1

1. I have reviewed the subject investigation and concur with the findings and recommendations of the investigating officer.
2. The actions of Gunnery Sergeants Vanhook and (b) (3) are grossly misaligned with the standards set by (b) (3) and the United States Marine Corps, especially considering the senior grade of these staff non-commissioned officers. Further administrative or disciplinary actions may be warranted in this case, and will be reviewed under separate processes.
3. No further investigation is required. I direct this inquiry be closed and filed in accordance with reference (b).

(b) (3) (B)

(b) (3) (B)



(b) (3) (B)

IN REPLY REFER TO:

5800

S-1

18 Jun 19

FIRST ENDORSEMENT on (b) (3) (B) ltr 5800 S-1 of 15 Jun 19

From: (b) (3) (B)

To: (b) (3) (B)

Subj: PRELIMINARY INQUIRY INTO DRUNKEN AND DISORDERLY CONDUCT IN THE CASE OF GUNNERY SERGEANT ROBERT T. VANHOOK (b) (3) (B)

1. I have reviewed the subject preliminary inquiry and concur with the findings, opinions, and recommendations of the Investigating Officer.

2. I direct the following actions:

a. That Gunnery Sergeant Van Hook's and (b) (3) (B) High Risk Training Instructor certifications be immediately revoked.

b. That Gunnery Sergeant Van Hook and (b) (3) (B) are immediately relieved of their duties due to my loss of trust and confidence in their continued ability to serve as High Risk Training Instructors.

c. That Gunnery Sergeant Van Hook and (b) (3) (B) be issued a 6105 counseling for drunk and disorderly conduct.

d. That Gunnery Sergeant Van Hook and (b) (3) (B) be referred to the Substance Abuse Counseling Center (SACC) for assessment and, if warranted, follow-on counseling/treatment.

e. That Gunnery Sergeant Van Hook and (b) (3) (B) be referred to the command psychologist for assessment and, if warranted, follow-on counseling/treatment.

3. No further investigation is required. This preliminary inquiry will be retained at this command for a period of two years from the date of this action.

(b) (3) (B)



(b) (3) (B)

IN REPLY REFER TO:  
5800  
S-1  
15 June 19

From: (b) (3) (B)

To:

Subj: PRELIMINARY INQUIRY INTO DRUNKEN AND DISORDERLY CONDUCT IN THE CASE OF  
GYSGT ROBERT T. VANHOOK (b) (3) (B)

Ref: (a) JAGMAN

Encl: (1) Appointment letter dtd 13 Jun 19  
(2) Electronic correspondence from Wilmington police officers to (b) (3) dtd 1 Jun 19  
(3) Article 31 rights advisement acknowledgement form for GySgt VanHook dtd 14 Jun 19  
(4) Article 31 rights advisement acknowledgement form for (b) (3) (B)  
(5) Privacy act statement rights advisement acknowledgement form for GySgt VanHook dtd 14 Jun 19  
(6) Privacy act statement rights advisement acknowledgement form for (b) (3) (B) dtd 14 Jun 19  
(7) Summary of interview with (b) (3) (B) dtd 14 Jun 19  
(8) Summary of interview with Officer (b) (3) (B) dtd 14 Jun 19  
(9) Summary of interview with (b) dtd 14 Jun 19  
(10) Summary of interview with Officer (b) (3) dtd 14 Jun 19  
(11) Defense counsel notice of representation of GySgt VanHook dtd 14 Jun 19  
(12) Electronic correspondence from attorney Mr. Hill dtd 14 Jun 19  
(13) Written statement regarding the police body camera video (b) dtd 15 Jun 19 (3)  
(b)  
(15) Instructor Code of Conduct from (b) (3) (B) dtd 8 May 18  
(16) Electronic Logs of GySgt VanHook's visits to Cheetah gentlemen's club

1. This reports completion of the preliminary inquiry conducted in accordance with the reference into the drunken and disorderly conduct of Gunnery Sergeants VanHook (b) (3) (B) occurring 31 May - 1 June 2019.

2. Personnel contacted:

- a. Master Gunnery Sergeant (b) (3) (B)
- b. Gunnery Sergeant (b) (3) (B)
- c. Gunnery Sergeant Robert VanHook, (b) (3) (B)
- d. Officer (b) (3) (B) Wilmington Police Department, Wilmington NC  
(b) (3) (B)
- e. Officer (b) (3) (B) Wilmington Police Department, Wilmington NC  
(b) (3) (B)
- f. Officer (b) (3) (B) Wilmington Police Department, Wilmington NC  
(b) (3) (B)





Subj: PRELIMINARY INQUIRY INTO DRUNKEN AND DISORDERLY CONDUCT IN THE CASE OF  
GYSGT ROBERT T. VANHOOK (b) (3) (B)

(b)

(5)

(b)

(3)

(B)

(b) (5), (b) (3) (B)

(b) (3) (B)



(b) (3) (B)

IN REPLY REFER TO:  
5800  
S-1  
13 Jun 19

From: (b) (3) (B)

To:

Subj: PRELIMINARY INQUIRY INTO THE ALCOHOL RELATED INCIDENT INVOLVING  
GUNNERY SERGEANT ROBERT T. VANHOOK (b) (3) (B)  
IN WILMINGTON,  
NORTH CAROLINA ON 1 JUNE 2019

Ref: (a) JAGMAN

1. This appoints you, per Chapter II of the reference, to inquire into the facts surrounding the alcohol related incident involving Gunnery Sergeant Vanhook (b) (3) (B) while on liberty in Wilmington, North Carolina on 1 June 2019.
2. Report your findings of fact, opinions and recommendations in letter form by 17 June 2019, unless an extension of time is granted. If you haven't previously done so, read Chapter II of reference (a) in its entirety before beginning your inquiry.
3. You may seek legal advice from the (b) (3) (B) during the course of your inquiry. (3)
4. By copy of this appointing order, (b) (3) (B) is directed to furnish necessary clerical assistance.

(b) (3) (B)

Copy to:  
Files

ENCLOSURE(1)









## ARTICLE 31 RIGHTS

Name: Van Hook, Robert T. Rank/Rate: Gy Sgt / E7 Activity:

Telephone number: (b) (6)

I have been advised that I may be suspected of the offense(s) of:  
Article 134 Drunk and Disorderly and that:

- ☒ I have the right to remain silent.
- ☒ Any statements I do make may be used as evidence against me in trial by court-martial.
- ☒ I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both.
- ☒ I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- ☒ I have the right to terminate this interview at any time.

WAIVER OF RIGHTS

- ☐ I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
  - ☐ I expressly desire to waive my right to remain silent.
  - ☐ I expressly desire to make a statement.
  - ☐ I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
  - ☐ I expressly do not desire to have such a lawyer present with me during this interview.
  - ☐ This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

(b) (6)

 14 JUN 19

(Member signature/date)

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

(b) (6)

**ARTICLE 31 RIGHTS**

(b) (6)

I have been advised that I may be suspected of the offense(s) of:  
Article 134, Drunk and Disorderly and that:

- ☒ I have the right to remain silent.
- ☒ Any statements I do make may be used as evidence against me in trial by court-martial.
- ☒ I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both.
- ☒ I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.
- ☒ I have the right to terminate this interview at any time.

**WAIVER OF RIGHTS**

- ☒ I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:
  - ☒ I expressly desire to waive my right to remain silent.
  - ☒ I expressly desire to make a statement.
  - ☒ I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.
  - ☒ I expressly do not desire to have such a lawyer present with me during this interview.
  - ☒ This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

(b) (6)

**PRIVACY ACT STATEMENT**  
*(Sections requiring modification by IO in bolded italics)*

Name: Van Hook, Robert TRank/Rate: Gysnt / E-7

Activity:

(b) (6)

(b) (6)

Today, 14 June, 2019, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. **AUTHORITY:** 44 U.S.C. § 3101; 5 U.S.C. § 301. Specify, if possible, other statutory authority listed below that is peculiarly applicable to the matter under investigation.

Authorities applicable to various investigations:

a. Requirement that enlisted members make up time lost due to misconduct or abuse of drugs or alcohol. 10 U.S.C. § 972.

b. Retirement or separation for physical disability. 10 U.S.C. §§ 1201-1221.

c. Manual for Courts-Martial.

d. Uniform Code of Military Justice. 10 U.S.C. §§ 815, 832, 869, 873, 935, 936, and 938-940.

e. Military Claims Act. 10 U.S.C. § 2733.

f. Foreign Claims Act. 10 U.S.C. §§ 2734, 2734a, 2734b.

g. Emergency payment of claims. 10 U.S.C. § 2736.

h. Non-Scope claims. 10 U.S.C. § 2737.

i. Duties of Secretary of the Navy. 10 U.S.C. § 5013.

j. Duties of the Office Chief of Naval Operations. 10 U.S.C. §§ 5031-5033, 5035-5036.

k. Duties of the Bureaus and Offices of the Department of the Navy and duties of the Judge Advocate General. 10 U.S.C. §§ 5021-5024, 5131-5133, 5135, 5137-38, 5141-5142a, 5148-5150.



- l. Duties of the Commandant of the Marine Corps. 10 U.S.C. § 5043.
- m. Reservists' disability and death benefits. 10 U.S.C. § 1074.
- n. Requirement of exemplary conduct. 10 U.S.C. § 5947.
- o. Promotion of accident and occupational safety by Secretary of the Navy. 10 U.S.C. § 7205.
- p. Admiralty claims. 10 U.S.C. § 7622-7623.
- q. Federal Tort Claims Act. 28 U.S.C. §§ 1346, 2671-2680.
- r. Financial liability of accountable officers. 31 U.S.C. §§ 3521, 3527, 3531.
- s. Military Personnel and Civilian Employees' Claims Act of 1964. 31 U.S.C. §§ 240-243.
- t. Federal Claim Collection Acts. 31 U.S.C. §§ 3521, 3526, 3529, 3701-3702, 3717-3718.
- u. Forfeiture of pay for time lost due to incapacitation caused by alcohol or drug use. 37 U.S.C. § 802.
- v. Eligibility for certain veterans' benefits. 38 U.S.C. § 105.
- w. Postal claims. 39 U.S.C. §§ 406, 2601.
- x. Medical Care Recovery Act. 42 U.S.C. §§ 2651-2653.
- y. Public Vessels Act. 46 U.S.C. §§ 781-790.
- z. Suits in Admiralty Act. 46 U.S.C. §§ 741-752.
- aa. Admiralty Extension Act. 46 U.S.C. § 740.
- bb. Transportation Safety Act. 49 U.S.C. § 1901.

2. **PRINCIPAL PURPOSE(S):** The information which will be solicited is intended principally for the following purpose(s):

*[IO, specify each purpose listed below for which the record of the particular investigation could reasonably be used:]*

- a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

- b. Determinations on disciplinary or punitive action.
- c. Determinations on liability of personnel for losses of, or damage to, public funds or property.
- d. Evaluation of petitions, grievances, and complaints.
- e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.
- ☒ f. Other determinations, as required, in the course of naval administration.
- g. Public information releases.
- h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. **ROUTINE USES:** In addition to being used within the Departments of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemembers' Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. **MANDATORY/VOLUNTARY DISCLOSURE - CONSEQUENCES OF REFUSING TO DISCLOSE:**

a. Where disclosure is voluntary, as usually is the case, use one of the following statements, or a combination of the following statements, as applicable:

(1) Where an individual is a subject of an investigation for purpose 2a or 2b, above:  
"Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the (IO select) *[personnel determinations]* *[disciplinary determinations]* in paragraph 2, above,



resolved in your favor, but the final determination will be based on all the evidence in the investigative record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possibly could prevent the investigation from obtaining evidence, which may be needed to support a favorable determination.”


(2) Where an individual is a subject of an investigation for purpose 2c, above: “Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held liable for repayment of the Government's loss would be based on the other evidence in the investigative record.”

(3) Where the individual is a claimant or potential claimant in an investigation for purpose 2e, above: “Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have made or may make against the Government as a result of the incident under investigation.”

(4) Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: “Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in a Naval medical facilities.”

(5) In any other case: “Disclosure is voluntary, and if you do not provide the requested information, any determinations or evaluations made as a result of the investigation will be made on the basis of the evidence that is contained in the investigative record.”

***b. IO, in the unusual situation where a specific statute, regulation, or lawful order of competent authority requires an individual to disclose particular information for the Government's benefit in furtherance of a Government interest, policy, or objective, the following statement should be used: “Disclosure of (specify the particular relevant information required) is mandatory under (cite the statute, regulation, or order), and refusal to disclose that information will subject you to possible disciplinary or criminal proceedings. Disclosure of any other information requested is voluntary, (and there will be no adverse effects if you elect not to disclose it) (but election not to disclose the information could ... .”***

 14JWE2019  
(Signature and date)

**PRIVACY ACT STATEMENT**  
*(Sections requiring modification by IO in bolded italics)*

(b) (6)



Today, Sept 14<sup>th</sup>, 2019, I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. **AUTHORITY:** 44 U.S.C. § 3101; 5 U.S.C. § 301. Specify, if possible, other statutory authority listed below that is peculiarly applicable to the matter under investigation.

Authorities applicable to various investigations:

- a. Requirement that enlisted members make up time lost due to misconduct or abuse of drugs or alcohol. 10 U.S.C. § 972.
- b. Retirement or separation for physical disability. 10 U.S.C. §§ 1201-1221.
- c. Manual for Courts-Martial.
- d. Uniform Code of Military Justice. 10 U.S.C. §§ 815, 832, 869, 873, 935, 936, and 938-940.
- e. Military Claims Act. 10 U.S.C. § 2733.
- f. Foreign Claims Act. 10 U.S.C. §§ 2734, 2734a, 2734b.
- g. Emergency payment of claims. 10 U.S.C. § 2736.
- h. Non-Scope claims. 10 U.S.C. § 2737.
- i. Duties of Secretary of the Navy. 10 U.S.C. § 5013.
- j. Duties of the Office Chief of Naval Operations. 10 U.S.C. §§ 5031-5033, 5035-5036.
- k. Duties of the Bureaus and Offices of the Department of the Navy and duties of the Judge Advocate General. 10 U.S.C. §§ 5021-5024, 5131-5133, 5135, 5137-38, 5141-5142a, 5148-5150.



- l. Duties of the Commandant of the Marine Corps. 10 U.S.C. § 5043.
- m. Reservists' disability and death benefits. 10 U.S.C. § 1074.
- n. Requirement of exemplary conduct. 10 U.S.C. § 5947.
- o. Promotion of accident and occupational safety by Secretary of the Navy. 10 U.S.C. § 7205.
- p. Admiralty claims. 10 U.S.C. § 7622-7623.
- q. Federal Tort Claims Act. 28 U.S.C. §§ 1346, 2671-2680.
- r. Financial liability of accountable officers. 31 U.S.C. §§ 3521, 3527, 3531.
- s. Military Personnel and Civilian Employees' Claims Act of 1964. 31 U.S.C. §§ 240-243.
- t. Federal Claim Collection Acts. 31 U.S.C. §§ 3521, 3526, 3529, 3701-3702, 3717-3718.
- u. Forfeiture of pay for time lost due to incapacitation caused by alcohol or drug use. 37 U.S.C. § 802.
- v. Eligibility for certain veterans' benefits. 38 U.S.C. § 105.
- w. Postal claims. 39 U.S.C. §§ 406, 2601.
- x. Medical Care Recovery Act. 42 U.S.C. §§ 2651-2653.
- y. Public Vessels Act. 46 U.S.C. §§ 781-790.
- z. Suits in Admiralty Act. 46 U.S.C. §§ 741-752.
- aa. Admiralty Extension Act. 46 U.S.C. § 740.
- bb. Transportation Safety Act. 49 U.S.C. § 1901.

2. **PRINCIPAL PURPOSE(S):** The information which will be solicited is intended principally for the following purpose(s):

*[If, specify each purpose listed below for which the record of the particular investigation could reasonably be used:]*

- a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, dates of expiration of active obligated service, and accrual of annual leave.

- b. Determinations on disciplinary or punitive action.
- c. Determinations on liability of personnel for losses of, or damage to, public funds or property.
- d. Evaluation of petitions, grievances, and complaints.
- e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.
- f. Other determinations, as required, in the course of naval administration.
- g. Public information releases.
- h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. **ROUTINE USES:** In addition to being used within the Departments of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemembers' Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. **MANDATORY/VOLUNTARY DISCLOSURE - CONSEQUENCES OF REFUSING TO DISCLOSE:**

a. Where disclosure is voluntary, as usually is the case, use one of the following statements, or a combination of the following statements, as applicable:

(1) Where an individual is a subject of an investigation for purpose 2a or 2b, above:  
 "Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the (IO select) *[personnel determinations]* *[disciplinary determinations]* in paragraph 2, above,



resolved in your favor, but the final determination will be based on all the evidence in the investigative record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possibly could prevent the investigation from obtaining evidence, which may be needed to support a favorable determination."

(2) Where an individual is a subject of an investigation for purpose 2c, above: "Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held liable for repayment of the Government's loss would be based on the other evidence in the investigative record."

(3) Where the individual is a claimant or potential claimant in an investigation for purpose 2e, above: "Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have made or may make against the Government as a result of the incident under investigation."

(4) Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: "Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in a Naval medical facilities."

(5) In any other case: "Disclosure is voluntary, and if you do not provide the requested information, any determinations or evaluations made as a result of the investigation will be made on the basis of the evidence that is contained in the investigative record."

***b. IO, in the unusual situation where a specific statute, regulation, or lawful order of competent authority requires an individual to disclose particular information for the Government's benefit in furtherance of a Government interest, policy, or objective, the following statement should be used: "Disclosure of (specify the particular relevant information required) is mandatory under (cite the statute, regulation, or order), and refusal to disclose that information will subject you to possible disciplinary or criminal proceedings. Disclosure of any other information requested is voluntary, (and there will be no adverse effects if you elect not to disclose it) (but election not to disclose the information could ... ."***

(b) (6)























WORLDWIDE: 844.334.5459  
FAX: 843.645.6530  
www.MJA.law

DEFENDING THOSE WHO DEFEND US®

ATTORNEYS  
Gerald Healy  
Josh Hill  
Jon Shelburne

14 June 2019

MEMORANDUM FOR [REDACTED]

(b)  
)  
(6)

Via:

(b) (6)

Subj: Civilian Defense Counsel Notice of Representation of Gunnery Sergeant Robert T. VanHook, USMC

Ref: (a) Article 46, Uniform Code of Military Justice  
(b) R.C.M. 701, 703, Manual for Courts-Martial  
(c) 18 United State Code, Section 3500  
(d) *Brady v. Maryland*, 373 U.S. 83 (1963)  
(e) JAGINST 5803.1D

1. Please accept this correspondence as Military Justice Attorneys ("MJA") formal notice of representation as defense counsel in the above-referenced matter.
2. MJA has been retained to represent GySgt VanHook in his pending legal matter. GySgt VanHook invokes the right to remain silent and to consult with counsel about these matters and does not consent to any questioning from command, law enforcement, or anyone subject to the Uniform Code of Military Justice or those acting on their behalf. GySgt VanHook does not consent to any future search or seizure in this case. GySgt VanHook asserts all privileges afforded under the law including, but not limited to, those addressed by Mil. R. Evid. 501, 503, 504, and 513, and withdraws any prior waiver of any privilege. GySgt VanHook demands all records of any privileged communication not be disclosed to any person or entity without express written consent after coordination with me.
3. MJA requests that all good faith efforts are made by the command/trial counsel(s) to provide any and all initial discovery to defense, pursuant to the above references. Within military practice, the norm is for the trial counsel to provide open and continuing discovery, by turning over without a formal request, all discoverable items in the files of not only the trial counsel, but all government actors involved in a particular case. After arraignment—if applicable—defense will submit a formal discovery request in accordance with the trial milestones set out and approved by the presiding military judge.
4. Should any discoverable information become known to the government after their response to the initial defense request, MJA requests that we be provided with such information as soon as possible. As authorized by R.C.M. 701(b)(1)(B), 701(b)(3) and (4), the defense will not provide certain reciprocal discovery until the government fully complies with its discovery obligation.

ENCLOSURE (1)

5. Under reference (e), the trial counsel has an obligation to notify all relevant government actors of this notice of representation and its contents as soon as possible.

Date: June 14, 2019

//s// Joshua Hill

MR. JOSHUA HILL, Esq. for  
Military Justice Attorneys

(b) (3) (B)



Good afternoon, Sir. I just submitted my notice of representation to the command on behalf of GySgt VanHook. I understand that you have been appointed as investigating officer for a preliminary inquiry. GySgt VanHook has exercised his rights to remain silent and to counsel, but please let me know if you have questions that we may be able to address.

Very respectfully,

Joshua. A. Hill

Healy Law Group, LLC  
"Military Justice Attorneys"  
314-313-8800 : : josh@mja.law  
[CAUTION] www.mja.law [CAUTION]

Defending Those Who Defend Us ®

(b) (3) (B)



(b) (3) (B)



Good afternoon, Sir. Attached please find my notice of representation on behalf of GySgt VanHook.

Very respectfully,

Joshua. A. Hill

Healy Law Group, LLC

"Military Justice Attorneys"

314-313-8800 : : josh@mja.law

[CAUTION] [www.mja.law](http://www.mja.law) [CAUTION]

Defending Those Who Defend Us ®



From: (b) (3) (B)

To: Commanding Officer, (b) (3) (B)

Subject: Night of 31 May 2019 Wilmington Police video involving GySgt's Tyler VanHook and (b) (3) (B)

On 10 June 2019, (b) (3) (B) met Officer (b) (3) (B) from the Wilmington police department (WPD) to view a body cam video recorded by Wilmington Police Department (WPD), the morning of 1 June 2019 at approximately 3:15 A.M. This video was approximately 45 minutes in length and has good quality in sound, video clarity, and lighting.

In the video I observed a police vehicle approaching Cheetah's night club in Wilmington, North Carolina. In the parking lot I observed GySgt Vanhook and (b) (3) (B) standing in the parking lot. The officer approached both of the Gunnery Sergeants and notified them the management of Cheetah's had asked them to leave and that they were trespassing on private property. The Gunnery Sergeants then questioned the validity of that directive given by the police department. Stating "you can't make us go home". WPD then reiterated several times asking them to leave on behalf of the Cheetah's management team. The Marines were notified again that it was past closing time and they were on private property and had been asked to leave which constituted 2<sup>nd</sup> degree trespassing if they chose to not leave the premise. I also noticed a Wilmington cab sitting in the parking lot just 50 meters away that showed a green light for vacancy available. At this time (b) (3) (B) was seen stepping in front of the WPD attempting to block them from walking. WPD asked him to step aside and stop being belligerent. Both Gunnery Sergeants were slurring their words and appeared to me to be very intoxicated during the entire 45-minute video.

The officers notified the Gunnery Sergeants they needed to stop raising their voice and leave. This was the theme form the next 15 minutes of the video. During this exchange WPD stated to the Gunnery Sergeants that they needed to be more disciplined in their actions and please leave. Both Gunnery Sergeants then started to ramp up their distain toward the officers. They did this by raising their voice and making verbal threats against the WPD officers. (b) (3) (B) stated; "say that again and we are going to have problems". (b) (3) (B) stated this several times. GySgt Vanhook stated to the WPD; "you just lost your life". GySgt Vanhook also stated; "I am going to put you in the head zone". GySgt VanHook also stated; "I can take that pistol from you in 14 seconds" GySgt Van hook also stated; "That thing would hurt you more than help you". During that comment he was looking at the WPD officer's baton and pistol. GySgt Vanhook also told the WPD officer; "With all do respect you are a piece of shit". GySgt Vanhook also stated to the WPD officer; "You are a dumbass". GySgt Vanhook also called the WPD officer a "Pillsbury dough boy". GySgt Vanhook was also filming most of this with his own cell phone and was shining the light in the WPD officers face. GySgt Vanhook was notified during this time that he was being drunk and disorderly. During this time (b) (3) (B) was also repeatedly told to leave and was also told he was being drunk and disorderly. (b) (3) (B) repeatedly told the WPD officer; "you are fucked up". (b) (3) (B) then stated that both him

ENCLOSURE (3)



and GySgt Vanhook were attacked by 10 people in the strip club and that he wanted their names so he could press charges against the employees in Cheetah's (b) (3) (B) statement on how many people attacked him in Cheetah's changed several times during this exchange. (b) (3) (B) was wearing a red tank top that appeared to fit him well and showed no signs of being stretch or wrinkled from a physical altercation. Neither (b) (3) (B) or Vanhook showed any signs of injured that I could see.

During the next 15 minutes of the video the WPD officer spoke with the manager of Cheetah's. The manager stated he had been dealing with (b) (3) (B) and VanHook all night. He stated the Gunnery Sergeants had tried to start a fight with two men earlier in the night. He also stated after that incident they tried to start a fight with two girls in the club. After the second incident the manager asked them to leave and he stated that's when he hit me. I was lead to believe it was (b) (3) (B) that hit the officer based on his indication toward (b) (3) (B) in the video. The manager then stated once he was hit in the face the bouncers of Cheetah's physically removed GySgt VanHook and (b) (3) (B) from the club.

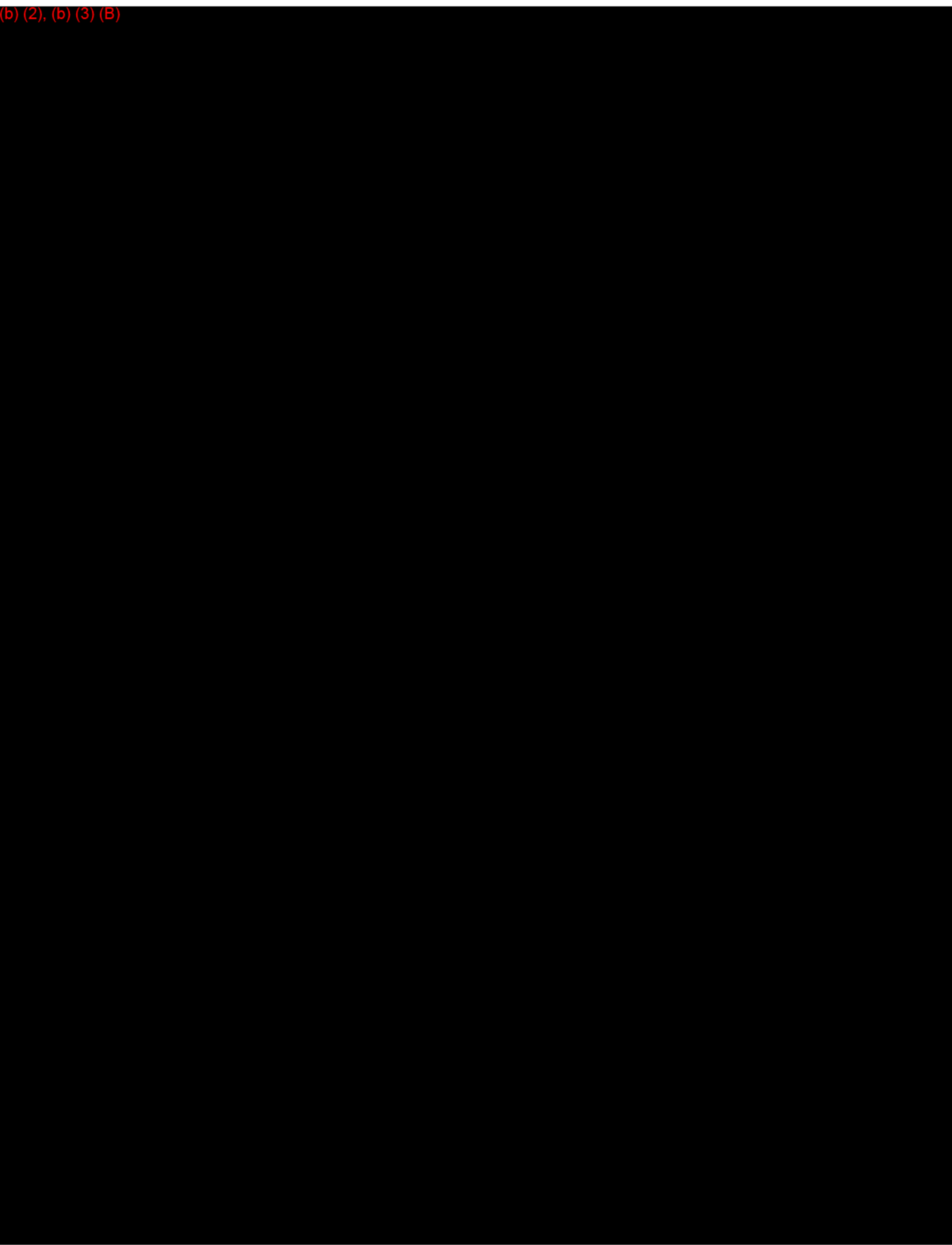
The next 10-15 minutes of the video showed the officer exchanging information with both GySgt VanHook, (b) (3) (B), and the manager of cheetah's. All were provided each others information in case they wanted to take out a warrant on each other. During all these exchanges (b) (3) (B) and GySgt VanHook continued to refuse to leave, slur their words, demean the WPD officers and general acts of being disrespectful. The manager of cheetah's seemed sober and acted in a calm manner, his speech words were clear. He appeared to be just doing his job in a calm manner. During this time GySgt VanHook also stated to the WPD officer; "google me" and stated; "I have a silver star". GySgt VanHook also stated he was going to post the video he was taking with his cell phone on Fox news. He stated; "I have a good lawyer and you guys are through". Again, during this time, the WPD officers continued to tell both GySgt's they just needed to leave.

The last 5 minutes of the video shows (b) (3) (B) approaching the officers and attempting to inject himself in the confrontation. (b) (3) (B) was told that (b) (3) (B) and GySgt VanHook and himself just needed to leave. (b) (3) (B) also refused to leave. I did not observe (b) (3) (B) act belligerent but he did not attempt to take the Gunnery Sergeants away nor did he leave. Ultimately the WPD officers left the scene and the Gunnery Sergeants got in a cab and left.

(b) (5), (b) (3) (B)

(b) (3) (B)

ENCLOSURE (13)





View Type

Change

Note

Add Note

Alcohol

Age:

Tobacco

Feedback

### Customer's Past Visits

Add Date	LastName	FirstName	TagMessage	TagNote
8/1/2018 12:41 AM	VAN HOOK	ROBERT	Banned	FIGHT BOUNCERS
4/20/2018 1:41 AM	VAN HOOK	ROBERT		
2/18/2018 11:34 PM	VAN HOOK	ROBERT		
2/2/2018 12:08 AM	VAN HOOK	ROBERT		
8/28/2018 12:10 AM	VAN HOOK	ROBERT		

Serial Info: Connected | USB Info: Connected

View Type

Change

Note

Add Note

Alcohol

Age:

Tobacco

Feedback

### Customer's Past Visits

Add Date	LastName	FirstName	TagMessage	TagNote
2/9/2018 12:38 AM	VAN HOOK	ROBERT		
4/26/2018 12:10 AM	VAN HOOK	ROBERT		
2/17/2018 9:00 PM	VAN HOOK	ROBERT		
2/19/2018 10:43 PM	VAN HOOK	ROBERT		
10/4/2018 12:55 AM	VAN HOOK	ROBERT		

Serial Info: Connected | USB Info: Connected